

ORIGINAL
OPEN MEETING
MEMORANDUM
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Arizona Corporation Commission

DOCKETED

JAN 27 2011

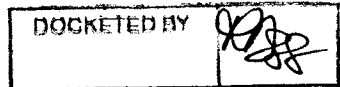
TO: THE COMMISSION

2011 JAN 21 P 2:03

FROM: Utilities Division

AZ CORP COMMISSION
DOCKET CONTROL

DATE: January 27, 2011



RE: MORENCI WATER & ELECTRIC COMPANY - APPLICATION FOR APPROVAL OF ITS 2011 RENEWABLE ENERGY STANDARD TARIFF IMPLEMENTATION PLAN AND REQUEST FOR PARTIAL WAIVER (DOCKET NO. E-01049A-10-0364)

Background

On September 1, 2010, Morenci Water & Electric Company ("MWE" or "Morenci") filed its application for approval of its 2011 Implementation Plan ("Plan") pursuant to the Renewable Energy Standard and Tariff ("REST") Rules.

MWE's Implementation Plan

The 2011 REST Plan is consistent with major features of the 2010 REST Plan (Decision No. 71469). Morenci again requests a partial waiver of the REST Rules to exclude certain sales from REST requirements. The 2011 REST Plan would also:

- a) Reduce certain incentives;
- b) Update the distributed renewable energy ("DE") plan; and
- c) Increase the REST surcharge rate and caps.

Partial Waiver

Morenci requests an extension of the continued partial waiver to exclude energy sales to Freeport-McMoRan Copper & Gold Morenci, Inc. ("FMI Morenci") and Freeport-McMoRan Copper & Gold Safford, Inc. ("FMI Safford") from the calculation of both the Annual Renewable Energy Requirement under Arizona Administrative Code ("A.A.C.") R14-2-1804 and the annual Distributed Renewable Energy Requirement under A.A.C. R14-2-1805. The Commission approved such a waiver in Morenci's last three Implementation Plans. (Decision Nos. 70303, 70952, and 71469)

FMI Morenci and FMI Safford are industrial customers involved in mining. MWE's application states that approximately 98.95 percent of MWE's energy sales were made to FMI Morenci and FMI Safford collectively in 2009. It is unusual for such a large portion of a utility's energy sales to go to just two customers. MWE believes that it would have to budget about \$26.13 million to meet its 2011 renewable energy requirements if there were no waiver, in contrast to \$296,460 with the waiver.

Staff recommends that the waiver granted by Decision No. 71469 for exclusion of the mining load in calculation of the renewable load requirements continue through 2011. Staff makes

this recommendation as a result of the unusual costs that would result from meeting the renewables requirement with the mining load included in the calculation. Staff recognizes that the unique customer mix in MWE's service territory makes compliance with the requirements of R14-2-1804 and R14-2-1805 especially challenging for MWE.

Reduced Incentives

MWE is proposing to reduce the incentives in its proposed 2011 REST Plan. This is because MWE has seen increased customer interest in receiving renewable incentives and wants to have funding available for all interested customers without having to place them on a waiting list. Today, there is no backlog. Current and proposed incentive levels are shown in Table 1:

Table 1
Morenci Water & Electric
Incentive Levels

	Current 2010	Proposed 2011
Biomass/Biogas (Electric, Thermal, Cooling)	TBD	TBD
Biomass/Biogas CHP (Electric, Thermal)	TBD	TBD
Daylighting	\$0.25/kWh	\$0.20/kWh
Geothermal (Electric)	\$0.65/Watt	\$0.50/Watt
Geothermal (Thermal)	\$1.25/Watt	\$1.00/Watt
Hydroelectric	TBD	TBD
Small Wind	\$3.50/Watt AC	\$2.50/Watt AC
Solar Electric - Residential	\$5.00/Watt DC	\$4.00/Watt DC
Solar Electric - Non-Residential	\$5.00/Watt DC	\$3.50/Watt DC
Solar Space Cooling	TBD	TBD
Non-Residential Solar Water Heating/Space Heating	TBD	TBD
Residential Solar Water Heating/Space Heating	\$0.95/kWh	\$0.75/kWh
Non-Residential Pool Heating	TBD	TBD

Incentive payments for any one project will not exceed 60 percent of the total cost of the project, and no more than \$75,000 would be provided in incentives for any one project. For those categories where the incentive is to be determined ("TBD"), the incentive amounts will be determined on a case-by-case basis and will include consideration of capital costs, capacity, and estimated annual production.

Updated Distributed Renewable Energy Plan

MWE is proposing to update its DE plan and make it more comparable to that of other Arizona utilities. Morenci's DE plan includes an extensive discussion of requirements (now mandated in order to receive a rebate) concerning the permitted types of facilities, size constraints, and installation and interconnection requirements for each type of allowed renewable system as listed here:

- Photovoltaic Systems;
- Biomass/Biogas Electric, Hydroelectric and Geothermal Electric;
- Biomass/Biogas Thermal, Geothermal - Space Heating and Process Heating;
- Solar Space Cooling;
- Non-Residential Solar Water Heating and Space Heating;
- Small Residential Solar Water Heating and Space Heating;
- Non-Residential Solar Daylighting; and
- Small Wind Generator.

Budget

MWE has proposed a budget of \$296,460 for year 2011 as shown below in Table 2. Morenci is unsure what Eligible Renewable Energy Resources it will be able to procure in 2011; much depends on what it can acquire and deliver to its remote service territory. Staff proposes a smaller budget of \$179,539 to reflect Staff's estimated revenue as discussed in the next section.

Table 2
Morenci Water & Electric
Proposed 2011 Renewable Energy Resources Budget

	Morenci Proposed	Staff Proposed
Renewable Energy Resources		
Prospective Procurement (Biomass)	\$18,900	\$18,000
Administration, Implementation, Commercialization & Integration	\$9,050	\$9,000
Renewable Energy - Subtotal	\$27,950	\$27,000
Distributed Renewable Energy Resources		
Incentives	\$248,510	\$137,539
Administration, Implementation, Marketing & Outreach, Commercialization & Integration	\$20,000	\$15,000
Distributed Energy - Subtotal	\$268,510	\$152,539
Total	\$296,460	\$179,539

Funding and Surcharge

Staff has reviewed Morenci's proposed Renewable Energy Standard Surcharge ("RESS") Schedule which sets forth the surcharge rate and monthly maximums to be collected to fund its annual budget for 2011. Proposed rates and monthly caps are shown in Table 3 along with present rates and caps. The impact on typical customers is given in Table 4.

Table 3
Morenci Water & Electric
Present and Proposed RESS Schedule Rates and Caps

Customer Class	Present Rate (per kWh)	MWE Proposed 2011 Rate (per kWh)	Present Cap (per month)	MWE Proposed 2011 Cap (per month)
Residential	\$0.004988	\$0.006	\$1.05	\$4.00
Non-Residential	\$0.004988	\$0.006	\$39.00	\$150.00
Non-Res > 3 MW	\$0.004988	\$0.006	\$117.00	\$450.50

Table 4
Morenci Water & Electric
Customer Impact of Proposed RESS Schedule Charges

Sample Customers	Avg. kWh / Month	Monthly Cost Under Present Rate and Caps	Monthly Cost with MWE Proposed Rate and Caps
Residential	543	\$1.05	\$3.26
Company Store	221,350	\$39.00	\$150.00
High School	93,200	\$39.00	\$150.00
Motel	45,000	\$39.00	\$150.00
Gas Station	23,460	\$39.00	\$140.76
Convenience Store	23,100	\$39.00	\$138.60
Church	5,945	\$29.65	\$35.67
Restaurant	5,225	\$26.06	\$31.35
Florist	1,872	\$9.33	\$11.23
Insurance Company	992	\$4.95	\$5.95
Fashion Salon	230	\$1.14	\$1.38

Based on its current number of customers, for 2011 the *maximum* amount MWE could collect through the proposed RESS Schedule would be:

\$100,992 per year from residential customers;
 \$478,800 per year from non-residential customers; and
 \$10,800 per year from non-residential customers with demand over 3MW;
 for a total no greater than \$590,592.

However, based on recent kWh sales, MWE forecasts that the RESS Schedule will collect between \$180,000 and \$240,000 annually with the increased rate and caps. Morenci's calculation leading to its \$180,000 to \$240,000 estimate is shown here:

Table 5
Morenci Water & Electric
2011 Revenue at Proposed RESS Schedule Charges

Customer Class	Avg. kWh per Month	Customers	Rate	Monthly Cap	Monthly Cost	Annual Cost	TOTAL
Residential	543	2,104	\$0.00600	\$4.00	\$3.26	\$39.10	\$82,258
Non-Residential	4,722	266	\$0.00600	\$150.00	\$28.33	\$339.98	\$90,436
Non-Res > 3 MW	62,500,000	2	\$0.00600	\$450.50	\$450.50	\$5,406.00	\$10,812
Totals		2,372					\$183,506

Staff notes that at the present REST surcharge, revenue could be similarly estimated as:

Table 6
Morenci Water & Electric
2011 Revenue at Present RESS Schedule Charges

Customer Class	Avg. kWh per Month	Customers	Rate	Monthly Cap	Monthly Cost	Annual Cost	TOTAL
Residential	543	2,104	\$0.004988	\$1.05	\$1.05	\$12.60	\$26,510
Non-Residential	4,722	266	\$0.004988	\$39.00	\$23.55	\$282.64	\$75,182
Non-Res > 3 MW	62,500,000	2	\$0.004988	\$117.00	\$117.00	\$1,404.00	\$2,808
Totals		2,372					\$104,501

This total revenue is less than half of the proposed budget. Staff's calculations show that at the present rate, but with the proposed caps, total revenue reaches \$154,378. Morenci also has \$75,038 rolled over from 2010. Therefore, Staff estimates revenue to total \$179,539 (\$104,501 + \$75,038).

Morenci has provided its estimated 2011 kWh sales by class as shown below in Table 7.

Table 7
Morenci Water & Electric
Estimated 2011 Retail Sales

Customer Class	Estimated 2011 kWh
Residential	16,000,000
Non-Residential	16,000,000
Non-Res > 3MW	1,500,000,000

Morenci's 2011 sales, revenue, and customer's renewable energy facilities are relatively variable and unpredictable as MWE has indicated in its application. Given this lack of certainty, Staff is hesitant to recommend a REST surcharge revenue increase of approximately 75 percent ($183,506 / 104,501 = 1.756$). Because there is currently no backlog, Staff recommends leaving REST surcharge rates and caps at the present levels, and should Morenci experience an increase in customer applications for renewable incentives which threatens to deplete 2011 REST resources, it may address the issue before the Commission at that time.

Recommendations

Staff recommends that Morenci's proposed 2011 REST implementation plan be approved with modifications as discussed herein.

Staff recommends approval of the proposed incentive levels as listed in Table 1 herein.

Staff recommends approval of Morenci's updated Distributed Renewable Energy plan.

Staff recommends that the REST budget amount for year 2011 of \$179,539 be approved.

Staff recommends no change in Morenci's REST surcharge or monthly caps.

Staff recommends that Morenci's request for waiver to exclude energy sales to Freeport-McMoRan Copper & Gold Morenci, Inc. and Freeport-McMoRan Copper & Gold Safford, Inc. from the calculation of both the Annual Renewable Energy Requirement under A.A.C. R14-2-1804 and the annual Distributed Renewable Energy Requirement under A.A.C. R14-2-1805 be granted by the Commission for 2011.

Staff recommends that Morenci file with Docket Control for Commission review a 2012 REST implementation plan by July 1, 2011, consistent with the REST rules.

Staff recommends that MWE file in Docket Control a revised Renewable Energy Standard Surcharge Schedule in compliance with the Decision in this case within 15 days of the effective date of the Decision.



Steven M. Olea
Director
Utilities Division

SMO:JJP:lh\SH

ORIGINATOR: Jeffrey Pasquinelli

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IN THE MATTER OF MORENCI WATER)
& ELECTRIC COMPANY - APPLICATION)
FOR APPROVAL OF ITS 2011)
RENEWABLE ENERGY STANDARD)
TARIFF IMPLEMENTATION PLAN AND)
REQUEST FOR PARTIAL WAIVER)
)

Open Meeting
February 17, 2011
Phoenix, Arizona

FINDINGS OF FACT

MWE's Implementation Plan

3. The 2011 REST Plan is consistent with major features of the 2010 REST Plan (Decision No. 71469). Morenci again requests a partial waiver of the REST Rules to exclude certain sales from REST requirements. The 2011 REST Plan would also:

- ...

1 Partial Waiver

2 4. Morenci requests an extension of the continued partial waiver to exclude energy
3 sales to Freeport-McMoRan Copper & Gold Morenci, Inc. ("FMI Morenci") and Freeport-
4 McMoRan Copper & Gold Safford, Inc. ("FMI Safford") from the calculation of both the Annual
5 Renewable Energy Requirement under Arizona Administrative Code ("A.A.C.") R14-2-1804 and
6 the annual Distributed Renewable Energy Requirement under A.A.C. R14-2-1805. The
7 Commission approved such a waiver in Morenci's last three Implementation Plans. (Decision
8 Nos. 70303, 70952, and 71469)

9 5. FMI Morenci and FMI Safford are industrial customers involved in mining.
10 MWE's application states that approximately 98.95 percent of MWE's energy sales were made to
11 FMI Morenci and FMI Safford collectively in 2009. It is unusual for such a large portion of a
12 utility's energy sales to go to just two customers. MWE believes that it would have to budget
13 about \$26.13 million to meet its 2011 renewable energy requirements if there were no waiver, in
14 contrast to \$296,460 with the waiver.

15 6. Staff has recommended that the waiver granted by Decision No. 71469 for
16 exclusion of the mining load in calculation of the renewable load requirements continue through
17 2011. Staff makes this recommendation as a result of the unusual costs that would result from
18 meeting the renewables requirement with the mining load included in the calculation. Staff
19 recognizes that the unique customer mix in MWE's service territory makes compliance with the
20 requirements of R14-2-1804 and R14-2-1805 especially challenging for MWE.

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23 is because MWE has seen increased customer interest in receiving renewable incentives and wants
24 to have funding available for all interested customers without having to place them on a waiting
25 list. Today, there is no backlog. Current and proposed incentive levels are shown in Table 1:

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12. Based on its current number of customers, for 2011 the maximum amount MWE could collect through the proposed RESS Schedule would be:

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- \$478,800 per year from non-residential customers; and
- \$10,800 per year from non-residential customers with demand over 3MW; for a total no greater than \$590,592.

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Table 7
Morenci Water & Electric
Estimated 2011 Retail Sales

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Recommendations

18. Staff has recommended that Morenci's proposed 2011 REST implementation plan be approved with modifications as discussed herein.

19. Staff has recommended approval of the proposed incentive levels as listed in Table 1 herein.

20. Staff has recommended approval of Morenci's updated Distributed Renewable Energy plan.

21. Staff has recommended that the REST budget amount for year 2011 of \$179,539 be approved.

22. Staff has recommended no change in Morenci's REST surcharge or monthly caps.

23. Staff has recommended that Morenci's request for waiver to exclude energy sales to Freeport-McMoRan Copper & Gold Morenci, Inc. and Freeport-McMoRan Copper & Gold Safford, Inc. from the calculation of both the Annual Renewable Energy Requirement under A.A.C. R14-2-1804 and the annual Distributed Renewable Energy Requirement under A.A.C. R14-2-1805 be granted by the Commission for 2011.

24. Staff has recommended that Morenci file with Docket Control for Commission review a 2012 REST implementation plan by July 1, 2011, consistent with the REST rules.

25. Staff has recommended that MWE file in Docket Control a revised Renewable Energy Standard Surcharge Schedule in compliance with the Decision in this case within 15 days of the effective date of the Decision.

CONCLUSIONS OF LAW

1. Morenci is an Arizona public service corporation within the meaning of Article XV, Section 2 of the Arizona Constitution.

2. The Commission has jurisdiction over Morenci and over the subject matter of the application.

3. The Commission, having reviewed the application and Staff's Memorandum dated January 27, 2011 concludes that it is in the public interest to approve Morenci's 2011 REST Implementation Plan as discussed herein.

ORDER

IT IS THEREFORE ORDERED that Morenci Water & Electric Company's proposed 2011 REST implementation plan is approved as discussed herein.

IT IS FURTHER ORDERED that the proposed incentive levels listed in Table 1 herein are approved.

IT IS FURTHER ORDERED that the REST budget amount for year 2011 of \$179,539 is approved.

IT IS FURTHER ORDERED that Morenci Water & Electric Company's request for waiver to exclude energy sales to Freeport-McMoRan Copper & Gold Morenci, Inc. and Freeport-McMoRan Copper & Gold Safford, Inc. from the calculation of both the annual Renewable Energy Requirement under R14-2-1804 and the annual Distributed Renewable Energy Requirement under R14-2-1805 is granted for 2011.

IT IS FURTHER ORDERED that there will be no change in Morenci Water & Electric Company's REST surcharge or monthly caps.

...

1 IT IS FURTHER ORDERED that Morenci Water & Electric Company shall file in
2 Docket Control a Renewable Energy Standard surcharge schedule consistent with the Decision in
3 this case within 15 days of the effective date of the Decision.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5
6 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

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9 CHAIRMAN

COMMISSIONER

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12 COMMISSIONER

COMMISSIONER

COMMISSIONER

13 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
14 Executive Director of the Arizona Corporation Commission,
15 have hereunto, set my hand and caused the official seal of this
16 Commission to be affixed at the Capitol, in the City of
17 Phoenix, this _____ day of _____, 2011.

18 _____
19 ERNEST G. JOHNSON
20 EXECUTIVE DIRECTOR

21 DISSENT: _____

22
23 DISSENT: _____

24 SMO:JJP:lhms\SH
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1 SERVICE LIST FOR MORENCI WATER & ELECTRIC COMPANY
2 DOCKET NO. RE- E-01049A-10-0364

3 Mr. Michael W. Patten
4 Mr. Jason D. Gellman
Roshka, DeWulf & Patten, P.L.C.
5 One Arizona Center
400 East Van Buren Street, Suite 800
6 Phoenix, Arizona 85004

7 Mr. Ruel Rogers
8 Superintendant
Morenci Water & Electric Company
9 401 Burro Alley
Post Office Box 68
10 Morenci, Arizona 85540

11 Mr. Steven M. Olea
12 Director, Utilities Division
Arizona Corporation Commission
13 1200 West Washington Street
Phoenix, Arizona 85007
14

15 Ms. Janice M. Alward
Chief Counsel, Legal Division
16 Arizona Corporation Commission
1200 West Washington Street
17 Phoenix, Arizona 85007